

Appendix B

Suspension Letter



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

April 8, 2010

Mr. Ronald L. Rice
Capital Outlay Program Manager
Department of State Police
P.O. Box 27472
Richmond, VA 23261-7472

RE: Information Request on the Environmental Impact Report concerning the Virginia State Law Enforcement Training Facility in Powhatan County (Agency Code: 156, Project Code: 17805, DEQ 10-017S)

Dear Mr. Rice:

During the course of the Department of Environmental Quality's (DEQ) coordinated review of the Environmental Impact Report (EIR) for the above-referenced project, Powhatan County indicated that additional information was required from the Department of State Police (DSP) in order to assess the feasibility of this proposed project. The information and subsequent response by DSP are necessary before the Office of Environmental Impact Review (OEIR) can complete the project review and submit the Commonwealth's recommendations to the Governor for approval (delegated to the Secretary of Administration), pursuant to *Virginia Code* sections 10.1-1189 and 10.1-1190 (Environmental Impact Reports of State Agencies) and Executive Order 88(01). Accordingly, we are suspending the current 60-day review of the project pending the resolution of the issue. A new 60-day review period will begin upon our receipt of the necessary revisions. We will, of course, respond as quickly as possible once the necessary information is received.

PROJECT DESCRIPTION

The DSP submitted an EIR for the development of a training facility for law enforcement personnel. The agency is proposing to develop the facility on an 18-acre parcel within the existing Deep Meadows Correction Center in Powhatan County. DSP proposes to construct four firing ranges with associated range towers and two small structures during phase 1, and a classroom building, live fire building and a bunkhouse during

subsequent phases. Approximately 14 acres of land will be disturbed. DSP confirmed the Secretary of Administration approved a land transfer agreement from the Department of Corrections (DOC) for the parcel to DSP on March 11, 2010 (email, R. Rice/J. Wellman, March 17, 2010). DOC states that it has no ownership of the proposed project (email, J. Thurston, J. Wellman, March 17, 2010).

AUTHORITY

The guidance we provide in this letter stems from our responsibilities under the state environmental impact reporting law (*Virginia Code* §§ 10.1-1188 through 10.1-1192) and the *Procedure Manual for Environmental Impact Review of Major State Facilities* (DEQ, 1998, rev. 2003; prepared pursuant to *Virginia Code* section 10.1-1191). *Virginia Code* § 15.2-2202 A requires that the DEQ distribute a copy of the EIR for every major state project to the chief administrative officer of every locality in which each project is proposed to be located. The purpose of the distribution is to enable the locality to evaluate the proposed project for environmental impact, consistency with the locality's comprehensive plan, local ordinances adopted pursuant to this chapter, and other applicable law and to provide the locality with an opportunity to comment. DEQ is required to distribute the reports to localities, solicit their comments and consider their responses in substantially the same manner as DEQ solicits and receives comments from state agencies.

INFORMATION DEFICIENCIES OF THE EIR

The EIR submitted on February 9, 2010, included deficiencies with regards to potential environmental, historic and agricultural resources and facility siting information. The County was unable to complete its review because the EIR did not include adequate information regarding the noise reduction features, potential transportation impacts, lighting plans, utility lines, the lead management plan, security at the facility, effects on historic sites and the potential loss of agricultural activities.

INFORMATION AND ANALYSIS NEEDS

The purpose of the review is to identify and evaluate the effects of proposed state facilities, and to guide facility siting and design decisions in order to protect important resources, including historic resources. The analysis needed to prepare an EIR helps agencies to assess the effects of development proposals, and to consider alternative actions and mitigating measures to avoid or reduce adverse impacts. Review of the EIR provides the DEQ and other state agencies with information that can be used to recommend project modifications, if needed, and to make recommendations to the Secretary of Administration. Preparation of EIRs assists proponent agencies in developing projects that are consistent with existing land-use policies including local plans and ordinances. Therefore, it is essential that all aspects of a proposal are identified and analyzed in a project EIR.

On March 26, 2010, DEQ received (email, R. Rice/J. Wellman) information from DSP that included the response, which also copied the Powhatan County administrator, from a Powhatan County Board of Supervisor's member Mr. Carson Tucker. In this response, a meeting with the responsible party (in this case DSP) was requested. It is our understanding (email, R. Rice/J. Wellman, April 28, 2010) that DSP has requested a meeting with the Board of Supervisor's member.

In addition, the response requested a site plan that illustrates the perimeter of the proposed earthen berms, the facility's lighting plan and its relationship to the County's dark-sky ordinance (as stated by Mr. Tucker), the location and capacity of utility lines, security, information as to whether the facility will affect Old River Trail, further explanation of the existing challenges stated in the EIR (page 4-5) that prevents the renovation of the existing facilities, the full analysis of Alternative B, the facility's relationship to Shiloh Baptist Church, the potential impact of the facility on agricultural production and whether the land is prime agricultural land, and additional information on the lead recovery plan and how the facility may affect traffic in the area. DEQ also has asked the Virginia Department of Transportation, the Virginia Department of Agriculture and Consumer Services, the DEQ regional office and the Department of Conservation and Recreation to review and respond, as necessary, regarding Mr. Tucker's concerns. DEQ has not received the additional request for information from all the state agencies. In addition, DEQ has contacted the County Administrator, Carolyn Bishop, for confirmation that Mr. Tucker's comments are the official comments for Powhatan County.

Upon receipt of the requested information by DEQ and appropriate analysis, the OEIR will complete its review and provide recommendations to the Secretary of Administration on the impacts of the proposed project. As previously stated, our response time will be 60 days or less in keeping with the legal time frame (see *Virginia Code* section 10.1-1189); we will, of course, make every effort to finish the review as quickly as possible.

If you have any questions, please feel free to call Julia Wellman (804-698-4326) or me (804-698-4325). Thank you for your efforts in this regard.

Sincerely,



Ellie L. Irons, Manager
Office of Environmental Impact Review

Enclosure

cc: Honorable Lisa Hicks-Thomas, Secretary of Administration
Carolyn Bishop, County Administrator
Keith Tignor, VDACS
Roger Kirchen, DHR

Mr. Ronald Rice
10-017S

Robbie Rhur, DCR
Kelley West, DEQ PRO
Kathleen Regan, MACTEC Engineering and Consulting